IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11927 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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DIPAKBHAI PUNAMBHAI PATEL

Versus

UNION OF INDIA

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Appearance:

MR PRADEEP PATEL for Petitioner

MR AKSHAY H MEHTA for Respondent No. 1

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CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 08/12/2000

ORAL JUDGEMENT

1. Rule. Mr. Arkshay H. Mehta learned Additional Central Government Standing Counsel waives service of rule on behalf of the respondents.

2. The petitioner has filed this petition for a

direction to the respondents - Regional Passport Officer, Ahmedabad for correction of his date of birth in the Passport bearing International Passport No.T-306735 issued by the respondents on 12/1/1995. The learned counsel for the petitioner has submitted that according to the Birth Certificate issued by the Talati-cum-Mantri of village Vasana, Tal. Borsad, District ; Kheda, the birth date of the petitioner is 12/5/1973, but the date of birth of the petitioner has been erroneously indicated in the passport by the respondents as 17/5/1973. The learned counsel accordingly submitted that since the error has been committed in the passport, it is necessary to correct the passport in consonance with the date of birth issued by the local authority i.e. the Talati-cum-Mantri, Vasana, Taluka ; Borsad, District ; Kheda. The learned counsel for the petitioner has further submitted that the petitioner has approached the respondents, but no action has been taken by the respondents. In support of the claim of the petitioner's date of birth, an affidavit has also been sworn by one clause relative of the petitioner, which has been annexed to the petition.

3. The learned Additional Central Govt. Standing Counsel for the respondents submitted that if there is any error, then the same may be corrected provided the petitioner furnishes genuine documents before the Regional Passport Officer, Ahmedabad. In view of the birth date certificate issued by the Talati-cum-Mantri of Vasana Village, Taluka ; Borsad, District ; Kheda, I am of the view that the genuine date of birth of the petitioner is 12/5/1973, but erroneously the date of birth of the petitioner has been recorded in the passport as 17/5/1973. Accordingly the respondents should have corrected the date of birth of the petitioner in the petition. Since the error has not been done by the respondents, the petitioner may file the relevant records including the birth certificate issued by Talati-cum-Mantri of Village ; Vasana, Taluka ; Borsad, to the Regional Passport Officer, Ahmedabad and in the event of records are placed, the respondents are directed to consider the same and make necessary correction in the passport issued to the petitioner immediately preferably within a period of two weeks from the date of receipt of this order. Since the error has been committed at the instance of the petitioner in the passport, the respondents cannot be held responsible for such mistake. If the respondent No.2 - Regional Passport Officer, after being satisfied makes necessary correction of the date of birth of the petitioner, in that event, the petitioner shall pay a sum of Rs.1500/- to the respondents for such

correction.

4. With the aforesaid observations and directions, the petition is disposed of. Rule is made absolute. D.S. Permitted.

(P.K. SARKAR, J.)

Rafik